

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
ex rel. STEVIE MCNEIL,)	
)	
Petitioner,)	
)	
v.)	No. 08 C 4156
)	
PEOPLE OF THE STATE OF ILLINOIS,)	The Honorable
)	Virginia M. Kendall,
Respondent.)	Judge Presiding.

MOTION TO SUBSTITUTE AND ADD RESPONDENTS

Pursuant to Federal Rule of Civil Procedure 7(b)(1), respondent PEOPLE OF THE STATE OF ILLINOIS moves to substitute and add respondents in this cause, stating as follows:

1. Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a conviction for first-degree murder in the State of Illinois.

2. Petitioner is presently incarcerated in the State of Pennsylvania's Graterford correctional facility, and therefore his challenge to the Illinois conviction pertains to "future custody."

3. The appropriate respondents to a petition challenging future custody are "the officer who has current custody and the attorney general of the state where the judgment was entered." Rule 2(b) of the Rules Governing Section 2254 Cases in the United States District Courts.

4. The superintendent of the Graterford facility, David DiGuglielmo,¹ is the officer who has current custody of petitioner. Therefore, he should be added as a party respondent.

5. Additionally, Lisa Madigan, the Illinois Attorney General, should be substituted for the currently-named respondent, "People of the State of Illinois." *See Hogan v. Hanks*, 97 F.3d 189, 190 (7th Cir. 1996) (Attorney General is proper party where future custody at issue).

WHEREFORE, respondent respectfully requests that this Court: (1) add David DiGuglielmo as a party respondent; and (2) substitute Lisa Madigan, Illinois Attorney General, for respondent People of the State of Illinois.

August 14, 2008

Respectfully submitted,

LISA MADIGAN
Attorney General of Illinois

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¹ See website of the Pennsylvania Department of Corrections, which provides information pertaining to the Graterford facility at <http://www.cor.state.pa.us/graterford/site/default.asp>.

CERTIFICATE OF SERVICE

I certify that on August 14, 2008, I electronically filed respondent's **Motion to Substitute and Add Respondents** and the accompanying **Notice of Motion** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, and on the same date mailed a copy of this document via the United States Postal Service to the following non-CM/ECF user:

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